

HIGHLAND BOARD OF ZONING APPEALS

Minutes of the Meeting of

January 25, 2017

The Highland Board of Zoning Appeals met on January 25, 2017 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mr. Martini called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

ROLL CALL: Present Mr. Mileusnich, Mr. Grzynski, Mrs. Murovic, Mr. Helms and Mr. Martini. Also present Attorney Jared Tauber and Building Commissioner Mr. Ken Mika.

Appointments of BZA Members for 2017 were made as follows: Mrs. Murovic for Chairman, Mr. Mileusnich for Vice Chairman and Mr. Grzynski as Secretary. Mr. Mileusnich motioned to approve the appointments and Mr. Helms seconded.

Appointment of Attorney Jared Tauber of Tauber Law office. Mr. Mileusnich motioned to approve the appointment and Mr. Martini seconded.

Appointment of recording secretary Patty Nagy. Mr. Helms motioned and Mr. Martini seconded. All appointments were unanimously approved with roll call votes of 5-0.

MINUTES: The minutes of the December 14, 2016 were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be February 22, 2017

COMMUNICATION: None

Old Business: Approval of Findings of Fact for Larry Beckman, 8618 Kleinman Rd., requesting a variance to exceed accessory structure allowance. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less. Mr. Martini motioned to approve the Findings of Fact. Mr. Grzynski seconded and it unanimously passed with a roll call vote of 5-0.

Approval of Findings of Fact for The Hydrant, 8630 Kennedy Ave., represented by Mindy Trzeciak, 3038 97th Pl., Highland, IN requesting a sign variance {HMC 18.85.080 (G)(1)} In B-1, B-2, and B-3 business districts, permitted signs are subject to the following: (1) Sign, Ground. One ground sign containing thereon only the name of the buildings, occupants or groups thereof. The sign shall not exceed 100 square feet in area. Exception: Freestanding signs are not permitted within a B-2 district. Mr. Martini motioned to approve the Findings of Fact. Mr. Mileusnich seconded and it unanimously passed with a roll call vote of 5-0.

Public Hearing for Shawn Anderson, 9440 Hook St., Highland, IN requesting a variance to exceed accessory structure allowance for the address of 3727 38th St. {HMC 18.05.060 (F) (5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Attorney Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Anderson introduced himself and distributed Google Maps of the area he is proposing to build his residence located at 3727 38th St. He is requesting to build an 1132 sq. ft. attached garage.

Mr. Anderson states he has 4 vehicles along with his squad car and that is why he needs a garage of that square footage.

Mrs. Murovic asked the size of the garage in relation to how many cars the garage could house and Mr. Anderson replied it is a 3.5 car garage.

Mr. Helms asked if the driveway and the driveway aprons would be concrete and Mr. Anderson replied yes.

Mrs. Murovic opened the public hearing. Hearing no remonstrances she closed the public hearing.

Mr. Helms motioned to grant the variance. Mr. Martini seconded and passed unanimously with a roll call vote of 5-0.

Preliminary Hearing for Joe & Sheila Windsor, 9009 Arbor Hill Dr., Highland, In., represented by Gary Torrenga of Torrenga Engineering, 907 Ridge Rd., Munster, IN requesting a variance to exceed accessory structure allowance and structure being built before principal building for the address of 9006 Kleinman. {HMC 18.05.060 (F) (1) (5)} In Zoning District R-1A, R-1, R-2, or R-3. (1) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. (5) The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. & Mrs. Windsor introduced themselves and distributed diagram plans of their proposed structure. They are requesting to build a 1250 sq. ft. garage on a lot they have ownership of located at 9006 Kleinman Rd. This property connects to another lot they own which they are going to build a single-family residence on. They referenced the lots as Lot (1) & Lot (2). The Windsor's want to build the garage at the 9006 Kleinman address, but want to leave enough land so in the future a house can be built on that lot too.

Mr. Tauber clarified with Mr. Mika that the Windsor's are asking for (2) variances, one variance for exceeding square footage allowed for an accessory structure and one for accessory building constructed prior to the principal building.

Mr. Tauber asked Mr. Windsor what the size of the attached garage will be at the house they are building on the other lot and Mr. Windsor replied just around 720 square feet.

Mr. Martini asked Mr. Mika if in the past anyone was granted the variance for the accessory structure being built prior to the principal structure and Mr. Mika replied no, not to the best of his knowledge.

Mrs. Windsor then inquired about building the garage on their Lot (1). It was then noted they would only need one variance, that being the accessory structure exceeding square foot allowance.

Mr. Helms motioned to grant the Public Hearing. Mr. Martini seconded and it unanimously passed with a roll call vote of 5-0.

Preliminary Hearing for 2nd & Charles, 10239 Indianapolis Blvd., represented by All Right Sign, 3628 Union Ave, Steger, IL 60475 requesting a variance to exceed sign allowance and sign square footage at the location of 10239 Indianapolis Blvd. {HMC 18.85.080 (G)(2)(a)} Each occupancy shall be permitted a maximum of one sign. Per blanket variance granted in May of 1993 to the shopping center (Highland Grove): For any use having a structure frontage of less than 300 linear feet, two (2) square feet of sign area for each front foot or portion thereof of structure frontage. Sign sq. ft. allowed would be 180 sq. ft. per original variance, asking for total of 271 sq. ft. for the (3) signs proposed.

Ms. Tabitha Bowen of All Right Sign introduced herself. She distributed a diagram of what signage has been approved for 2nd & Charles and diagrams of what she is seeking the variance for. The signage that has been approved is an 11.0' x 11.0' – 121 sq. ft. building mounted sign and a 9'11" x 4'.11' tenant panel sign. The signs for the variance request are (2) 5.0' x 15.0' – 75.0' square feet signs. These two signs are a total of 150 sq. ft.. The signs would read books and games on one sign and the other sign would read movies and music.

Mr. Helms inquired if this is one store front, not two store divisions and Ms. Bowen replied yes, it is just one store. Mr. Helms commented that signs are meant to show where you are and not what you are advertising and historically the Board has not approved advertising signs.

Mr. Martini asked if the size of the 11' x 11' sign is the Brand size. Mr. Daniel Warren, a representative of Books A Million/ 2nd & Charles responded yes, it is.

Mrs. Murovic inquired if there were other options for the signs. Ms. Bowen responded yes, but that at this point they were going to try for their current variance request.

Mr. Martini motioned to approve the Public Hearing request. Mr. Helms seconded and it unanimously passed with a roll call vote of 5-0.

Preliminary Hearing for Jacqueline & Cosme Herrera, 8112 Wicker Park Dr., requesting a variance to exceed accessory structure allowance and location of shed on side yard property line. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. and Mrs. Herrera attended the January 25, 2017 BZA meeting. They had filed for a variance request, but there were stipulations for them to be on the January agenda. They were required to get a new plat survey of their property to show their property boundaries. They did not have the survey done in time, so the Board members were required to make a motion to allow the Herrera's to be on the agenda. Mr. Helms motioned to allow them to be on the January 25, 2017 agenda. Mr. Martini seconded and it unanimously passed with a roll call vote of 5-0.

Mr. & Mrs. Herrera introduced themselves. They are requesting a variance to keep an 11' x 20' sq. ft. shed they built without a permit.

Mrs. Herrera shared a copy of the plat she currently has with the Board.

Mr. Mika relayed some details to the Board regarding the Herrera's situation. He states the shed was being constructed without a permit. He said there is an existing garage on their property that is either at or exceeds 720 sq. ft. and the space under the roof of the garage provides extra storage

area. Also, when Mr. Mika was reviewing the survey the Building Department had on hand for the 11' x 20' shed project, the rear property line of the Herrera's, which faces Indianapolis Blvd., has a fence that may be outside their rear property line. The shed also appears to be outside of their property line.

Mr. Mika spoke to the Herrera's and instructed them to get another survey done to determine exactly where their property boundaries are. This needs to be done because if the shed is over their property line, a variance cannot be granted for something that is not theirs. It is believed that the shed may be on State property.

The Herreras' said they plan on getting a staked survey done.

Mr. Helms motioned to approve the Public Hearing request. Mr. Mileusnich seconded and it unanimously passed with a roll call of 5-0.

BUSINESS FROM THE FLOOR: Mr. Mika relayed that the Plan Commission will have a meeting next month on February 23rd at 5:30 to discuss the draft modifications to the Zoning Ordinance and that any of the BZA members are invited to attend.

ADJOURNMENT: Motion: Mr. Helms Second: Mr. Martini Time: 7:00 p.m.

